

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**AMY DIVINE, KARL MERCHANT, and
COLUMBUS JONES, on behalf of themselves
and all others similarly situated**

PLAINTIFFS

v.

CIVIL ACTION NO.: 1:23cv196 HSO-BWR

SECURIX, LLC

DEFENDANT

DECLARATION OF BRIAN K. HERRINGTON

I, Brian K. Herrington, declare as follows:

1. I make this declaration based on personal knowledge. If called as a witness, I would testify competently as to the matters stated herein.
2. I received my Juris Doctor from the University of Mississippi Law Center in May 1995. I am admitted to practice in the states of Mississippi and Tennessee as well as the United States Courts of Appeal for the D.C., Fifth, Ninth, Tenth, and Eleventh Circuits. I am also admitted in the District Court for the Eastern District of Michigan.
3. I mainly represent consumers, small business plaintiffs, and attorneys general in complex litigation including class actions. These litigations have ranged in subject matter from antitrust to market manipulation to deceptive acts and practices.

Below is a representative sample of my case experience:

- ***Jeffries v. Volume Services America, Inc.*, No. 1:17-cv-01788 (D.D.C.):** I was appointed to serve as class counsel for a certified class of consumers involving violations of the Fair and Accurate Credit Transactions Act.
- ***In Re Auto Parts Litig.*, No. 12-md-2311 (E.D. Mich.):** I was a member of the Lead Class Counsel team representing automobile dealers against manufacturers of automobile component parts. This set of litigation involved one of the largest antitrust conspiracies in U.S. history.
- ***Lanovaz v. Twinings North America*, No. 5:12-cv-02646 (N.D. Cal.):** I was appointed to serve as class counsel for a certified class involving mislabeled tea

products.

- ***In Re: United Parcel Service, Inc., Shipper Excess Value Insurance Coverage Litigation:*** District Judge Berman of the Southern District of New York appointed me to serve as one of five Settlement Class Counsel. This case, involving unlawfully charged premiums for excess value insurance coverage, was settled favorably on a classwide basis.
 - ***State of Oklahoma, ex rel., W.A. Drew Edmondson, Attorney General of Oklahoma v. BP America, Inc., et al., No. CJ-09-1564 (Cleveland Cty., Dist. Ct., Okla.) and State of Oklahoma, ex rel., W.A. Drew Edmondson, Attorney General of Oklahoma v. BP, America, Inc., et al., No. CJ-09-1385 (Cleveland Cty. Dist. Ct., Okla.):*** In these companion cases, the Attorney General for the state of Oklahoma hired my co-counsel and me to pursue civil penalties against the defendants for market manipulation of gas and propane. The cases were successfully resolved.
 - **State Attorney General Lawsuits Against The Tobacco Industry:** I was one of the attorneys who represented the state of Mississippi, through Attorney General Mike Moore, in the state's successful efforts to recover monies spent on cigarette-related health care. I also represented the Attorneys General of New York, Louisiana, Arizona, Washington, Indiana, Alaska, Idaho, Oregon, Rhode Island, Ohio, Vermont, Illinois, and the Commonwealth of Puerto Rico in their successful litigation against the tobacco industry.
 - ***In re PPA Litigation:*** This litigation involved a defective over-the-counter medicine. I litigated, and was prepared to try, the first post-FDA recall case in the country. The case settled favorably two weeks before trial.
 - **TCI Cable Late Fee Litigation:** I served on a national steering committee and was responsible for litigating state court class actions in Alabama, Tennessee, Kentucky, Indiana, and California. The classes consisted of consumers who had been charged unlawful late fees. All the cases were settled favorably on a classwide basis.
 - ***Hill, on behalf of himself and all others similarly situated, v. Galaxy Telecom, L.P. and Galaxy Telecom, L.P. d/b/a/ Galaxy Cablevision, No. CIV. 1:98CV51-D-D. (N.D. Miss.):*** In *Hill*, I served as lead counsel and successfully obtained certification of a 15-state class of consumers who had been charged unlawful late fees. After a bench trial, in what amounted to a "battle of the experts," the court found that the fees were reasonable and entered judgment for the defendant.
4. I have occupied significant litigation roles in numerous other class actions and MDL litigations.

5. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 3rd day of June 2025, in Kansas City, Missouri.

s/ Brian K. Herrington
Brian K. Herrington